

RESOLUTION # _____

**A RESOLUTION TO CREATE DIVISION IV OF THE WASHBURN COUNTY
LAW ENFORCEMENT ORDINANCE CHAPTER 46 – AQUATIC INVASIVE
SPECIES**

WHEREAS, there is a need to prevent the spread of aquatic invasive species in Washburn County and surrounding water bodies; and

WHEREAS, although certain lakes in Washburn County have landing monitors, transport of such aquatic invasive species by motor vehicles leads to the spread of such unwanted species to area lakes;

NOW, THEREFORE, the board of supervisors for Washburn County does ordain as follows:

46-47 - Definitions

- (a) "Aquatic plant" means a non-woody submergent, emergent, free-floating, or floating-leaf plant that normally grows in or near water and includes any part thereof. "Aquatic plant" does not mean wild rice when being harvested with a permit issued under NR 19.09 or any rights proffered by the Treaty of 1838.
- (b) "Terrestrial plant" means a plant that normally lives or grows on land and includes wetland species.
- (c) "Invasive animal" means all vertebrate and invertebrate species including zebra mussel, quagga mussel, rusty crayfish, spiny water flea, or any other aquatic invasive animal prohibited by the State.
- (d) "Animal" means all vertebrate and invertebrate species, including but not limited to mammals, birds, reptiles, amphibians, fish and shellfish, or their eggs, larvae or young, but excluding humans.
- (e) "Aquatic Animal" means all Animals that live in, on, or near the water. This includes all vertebrate and invertebrate species, including but not limited to reptiles, amphibians, fish and shellfish, or their eggs, larvae or young.

46-48 - Prohibited Transport of Plants and Aquatic Animals

Except as provided in Section 46-49, no person may operate a vehicle or transport any boat, boat trailer, personal watercraft and its associated trailer, canoe, kayak, or boating equipment, fishing equipment, hunting and/or trapping equipment (including but not limited to personal floatation devices, nets, anchors, fishing lines, decoys, and waders) from navigable waters onto a public highway if aquatic plants, terrestrial plants, or aquatic animals are attached. All plants and aquatic animals shall be removed prior to

entry onto a public highway or launching a boat or placing equipment or trailers into navigable water.

This section shall not apply to bait used on that particular body of water in accordance with DNR rules and regulations.

Any person violating this ordinance shall pay a forfeiture of \$50.00 plus attendant costs.

46-49 - Exceptions to Transport of Plants and Aquatic Animals

Unless otherwise prohibited by law, a person may transport aquatic plants:

- (a) For disposal as part of a harvest or control activity conducted under an aquatic plant management permit issued under ch. NR 109 or as authorized by the county.
- (b) When transporting commercial aquatic plant harvesting equipment away from any water body to a suitable location for purposes of cleaning any remaining aquatic plants or animals.
- (c) When conducting an aquatic plant study for the purposes of vouchering specimen or conducting an educational workshop.
- (d) When harvested for personal or commercial use, such as to be used as compost or mulch, and in a closed container.
- (e) For purposes of shooting or observation blinds for waterfowl hunting during the waterfowl season, if the aquatic plants used for these blinds are emergent, cut above the waterline, and contain no aquatic invasive species. All other equipment shall have plants and aquatic animals removed before entering a public highway.

46-50 - Liability of Owner or Lessee

- (a) If a watercraft, trailer, or plant harvesting equipment is placed in waters in violation of Section 46-48, the owner or lessee of the watercraft, trailer, or plant harvesting equipment shall pay a forfeiture in accordance with the penalty provisions contained in Section 46-48. An owner or lessee may not be penalized as set forth above if either of the following apply:
 - 1. Another person was cited for or convicted of a violation of Section 4 arising out of the same incident; or
 - 2. The watercraft, trailer or plant harvesting equipment was stolen.
- (b) Paragraph (a) does not apply to a lessor of a watercraft, trailer, or plant harvesting equipment if the lessor keeps a record of the name and addressee of the lessee and provides the same to law enforcement upon request.

(c) Paragraph (a) does not prohibit or limit the prosecution of the operator of a watercraft, trailer, or plant harvesting equipment for violations of Section 46-48.

Stolzenberg, John

From: Kuhn, Jamie
Sent: Tuesday, April 14, 2009 8:12 PM
To: Bier, Beth
Subject: FW: Comments on 2009 SB 123: Aquatic Invasive Species Control

Jamie S. Kuhn

*Office of Senator Mark Miller
State Capitol
Room 317 East
PO Box 7882
Madison, WI 53707
Phone 608-266-9170
Fax 608-266-5087*

From: Thornton, Jeffrey A. [mailto:JTHORNTON@SEWRPC.org]
Sent: Wednesday, April 08, 2009 8:23 AM
To: Sen. Miller
Subject: Comments on 2009 SB 123: Aquatic Invasive Species Control

Dear Senator Miller, I regret that I am unable to attend the recently scheduled public hearing on this Bill; however, I would like to take this opportunity to offer written testimony, in my personal capacity, and share my concern at the provisions of the above referenced Assembly Bill that exempt the Wisconsin Department of Natural Resources (WDNR) from the statutory rule-making procedures. I fully understand and endorse the need for prompt action to control potential infestations of nonnative (invasive) species that currently or in future may threaten Wisconsin's natural heritage, upon which many of our industries and much of our economy is based.

Requiring due diligence by recreational and other users of our waterways and lakes is a laudable objective. However, to remove public oversight from the process flies in the face of our democratic ideals, especially when governmental agencies are exempted from demonstrating any connection whatsoever to the preservation of the public health, peace, safety, or welfare, which is fundamental to our society (section 23.22(2t) in Section 1 of the Bill).

Likewise, to modify the emergency rule-making process such that emergency rules become law in the absence of legislative and executive action by elected government is inconsistent with the foundational principles of our society and akin to rule by decree.

Inclusion of discretionary authority in the form of the use of the word "may" in paragraphs 23.22(2t)(b) through (e), and the required cooperation of all other agencies of government in paragraph 23.22(2t)(f), also create conditions under which the authorities granted the WDNR could potentially be abused without good reason.

Sound science, especially in the case of potentially invasive aquatic species of plants and animals, remains a cornerstone of good policy. To remove or eliminate this cornerstone weakens the entire edifice. I have previously noted that Chapter NR 40 of the Wisconsin Administrative Code should include the invasive species watch list so be forward looking, allowing the exercise of both good science and good governance in a timely

04/15/2009

and effective manner. To propose setting aside these foundational principles, even for the best of reasons—preventing invasive species from entering our State—is wrong.

While other sections of this Bill seem to be consistent with the exercise of legitimate powers of government, the entire initiative should be reviewed against the exercise of the principles of good governance and the rule of law. The current version of this Bill, especially Section 1, should be extensively revised or rejected.

Respectfully submitted, Jeffrey A. Thornton PhD PH, 321 Barney Street, Waukesha WI 53186-2402, tel: 262 574-1225

Invasive species ordinance possible

If an ordinance recommended by Barron County's land conservation committee is approved by the county board, then those who don't clean vegetation off of their boat trailers before leaving a local lake could end up landing a fine.

County conservationist Dale Hanson said that the purpose of the proposed ordinance is to help stem the tide of aquatic invasive species. One of the big culprits is Eurasian milfoil, but rusty crayfish and zebra mussels are also targeted by the suggested law change.

There are varieties of milfoil native to the area, but Eurasian milfoil can be especially harmful to a lake environment, Hanson said. It chokes out other plant species with its thick mat of vegetation and can even pose a hazard to divers, who can become entangled in it.

Out of Barron County's 300 lakes, only seven have been found to have Eurasian milfoil in them so far. The proposed ordinance aims to help keep the invasive species' spread in check by making sure boaters clean out all vegetation and live wells on their vessels and trailers before leaving a boat landing. That way they don't end up transporting the invasive species to new waters.

As for animals, rusty crayfish are another invasive species that the county is trying to protect itself

against. These critters are very aggressive, Hanson said, and will take over native crayfish habitat and decimate bottom vegetation in a lake. They came from the Ohio region via bass fishermen who used rusty crayfish as bait.

There is state law that makes it illegal to transfer invasive species from lake to lake, but county officials at Tuesday's land conservation meeting said that the law is ineffective. One shortcoming is that only conservation wardens can enforce it. A second drawback is that no violation occurs until a vessel covered with vegetation from one body of water is actually placed into another lake or stream.

Don Horstman, the committee's chair, said that was too late to take action.

The proposed ordinance, which ultimately received unanimous support from the committee, would be enforced by the sheriff's department if it's approved by the full county board at its April 21 meeting.

Hanson said that Barron County communities directly affected by lake health, such as Cumberland, Chetek and Rice Lake, may wish to follow the county's lead and pass their own invasive species ordinances, if the county's proposal goes through. Such a move would

mean law enforcement connected with those municipalities—not just a sheriff's deputy—could also be monitoring and performing enforcement at boat landings in order to minimize the threat of invasive species spreading.

The county ordinance would carry with it a \$154.50 penalty for a first time violation. Subsequent fines would increase.

Horstman said it is likely that more warnings instead of citations would be issued in the policy's first year in order to better educate the public.

During the public hearing on the matter, a resident from Kirby Lake said that the ordinance would be welcomed in his area because locals are very protective of their small lake.

The public hearing was not required by law, but Hanson requested one be held due to how many Barron County residents could be affected by the ordinance. It's estimated that there are 8,000 boats registered in the county, which could roughly equate to affecting one in five families, he said.

**TESTIMONY OF THE DEPARTMENT OF NATURAL RESOURCES
IN SUPPORT OF SENATE BILL 123
BY PETER D. FLAHERTY**

Good morning Senator Miller and committee members. My name is Peter Flaherty, and I am an attorney with the department of natural resources. I am pleased to appear on behalf of the department in support of **Senate Bill 123**.

Late last year, Senator Jauch was working on a draft of an invasives bill and asked for DNR's comment. The main thrust of the draft bill was to control the spread of aquatic invasive species by strengthening the current prohibition on placing a vehicle, boat, trailer or equipment in navigable water if it has an aquatic plant or animal attached, and by adding a new prohibition against the transport on public highways of vehicles, boats, trailers and equipment that have aquatic plants or animals attached.

Meanwhile, department staff had been drafting administrative rules and reviewing existing statutes for relevant supporting legal authority, potential gaps, possible conflicts, and housekeeping problems. As you know, s. 23.22, Stats., directs DNR to establish a state-wide program for the control of invasive species.

At its January, 2007 meeting, the Natural Resources Board unanimously approved staff's proposals for invasive species remedial legislation, and the proposals were subsequently endorsed by the Wisconsin Invasive Species Council. Three of the proposals became law with the adoption of the budget bill, 2007 Act 40. These included:

- addition of specific enforcement procedures and penalty provisions for violations of invasive species rules and permits,
- revision of the grant cost-sharing percentage from 50% to 75%, and
- expansion of the types of grant-eligible organizations.

Since then, some of the remaining proposals became a bit dated due to other statutory changes made by 2007 Act 226, and other regulatory developments (e.g., issuance of a WPDES ballast water discharge permit). So, we revised and updated the remedial proposals in December, 2008.

Senator Jauch graciously agreed to include a number of the department's remedial proposals in his draft bill. After careful review and refinement by Senator Jauch and his staff, and further polishing by the LRB during the drafting process, **Senate Bill 123** was introduced.

I will be happy to answer any questions you may have about the bill.

Wisconsin Senate
Senate Environmental Committee
Ref: SB 123
April 14, 2009

Senator Miller, Committee members:

My Name is Fred Kruger, I represent Burnett County Lakes and Rivers Association.
(BCLRA)
(27102 County Road A, Spooner, WI 54801, phone 715-635-7788)

I was the project manager for a two year AIS grant, to install digital video equipment on 7 Burnett County boat launch sites to record violations of 30.715, introducing exotics to Wisconsin's lakes. Our group grant was for years 2007 and 2008. In April of 2007 we met with law enforcement (the DA, the Sheriff, and DNR wardens) and were told that when we captured violations on video, that citations would be forthcoming. In October violations were recorded and forwarded to DNR for enforcement. NO CITATIONS were issued and at best warnings were given to offenders. Our group, working hard to stop the spread of invasives was extremely disappointed. THE REASON FOR NO CITATIONS WAS THE UNENFORCABILITY OF 30.715, mainly the "reason to believe" clause. A third grader could figure out how to avoid this citation.

BCLRA together with the project people lobbied the Burnett County Board for an ordinance to protect our lakes and Rivers. Over the winter of 07/08 an ordinance was developed that is very similar in content to SB123. During the 2008 season 6 citations were issued in Burnett County based on this new AIS ordinance. 5 Paid up and one was dismissed. That is more citations paid in one season in Burnett County, than 30.715 had in its history statewide!

Wisconsin has a true treasure in its beautiful lakes and rivers. Tourism, recreational boating, fishing, and property values are all based on maintaining this treasure. We MUST be diligent on protecting our waters from invasives. The Wisconsin Legislature is moving quickly this session to protect our waters and I thank you for doing that. I urge you to also pass SB123.

Personal comments/modifications:

*I would prefer that the word "plant" be used instead of the words "aquatic plant" for the same reason you use to rationalize invasive vs. non invasive. Invasive debris and invasive critters can attach to any plant material. Keep the enforcement of this law simple and straight forward, both for enforcement and for the public.

*If not covered elsewhere in WI Statutes; Person is defined to be in order of responsibility: The person driving the vehicle, the person driving the watercraft, or finally if no person is identifiable, the registered owner of the watercraft.

Thank you for this opportunity to testify. Sincerely, Fred Kruger



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MEMORANDUM

TO: Honorable Members of the Senate Committee on Environment

FROM: Monica Groves Batiza, Legislative Associate *MBB*

DATE: April 14, 2009

SUBJECT: Support of Senate Bill 123

The Wisconsin Counties Association (WCA) supports Senate Bill 123 (SB 123), relating to regulating the transportation of aquatic plants and aquatic animals. In summary, SB 123 establishes statewide enforcement on the transportation of invasive species.

Out of concern for the threat that invasive species pose to our lakes and waters, several of Wisconsin's counties have already enacted their own ordinances to control invasive species and prohibit invasive species transport. In October of 2007, WCA took an official position to support the requirement of ocean going ships to perform whatever level of ballast water treatment is necessary to end the release of aquatic invasive species in the Great Lakes.

Aquatic invasive species are terrestrial organisms and plants that have been introduced into new ecosystems throughout the United States. When these foreign species are introduced in a new aquatic environment, often via ballast water of oceangoing ships, they displace native species and cause disruptions in the Great Lakes ecosystems. As part of WCA's commitment to stopping the spread of invasive species, we partnered with Discover Mediaworks, the Bureau of Indian Affairs, the Great Lakes Indian Fish and Wildlife Commission, the Lac du Flambeau Band of Chippewa Indians, the Wisconsin Departments of Tourism and Natural Resources and the University of Wisconsin-Extension to produce a video promoting public awareness of the magnitude of the threat of invasive species.

WCA appreciates the commitment of Senator Jauch and Representative Milroy to this important legislation and is happy to offer assistance wherever we can.

Thank you for considering my comments. I would be happy to answer any questions that you might have.

Prohibit Transportation of Aquatic Invasive Species

The Citizens of Northwest Wisconsin request:

- **That the Wisconsin Legislature pass a comprehensive law similar to the one in Minnesota that would make it unlawful both to transport on public roads (except to a nearby cleaning station) and launch into public waters any recreational boat, boat trailer or other recreational watercraft, if it has any aquatic plants or prohibited aquatic invasive species attached. A classification system defining prohibited aquatic invasive species would be part of the law.**

This legislation would provide the state with a more comprehensive way to address the threats and problems caused by aquatic invasive species. It would require recreational boaters and watercraft users to inspect, and if any aquatic plants or prohibited aquatic invasive species were found, also to clean their boats, boat trailers and watercraft both before launching and after removing their boats, boat trailers and watercraft from the water.

For further information contact:

Tim Kane, Bayfield County UW-Extension

Telephone: (715) 373-6104 ext 254

Email: timothy.kane@ces.uwex.edu

Dan Corbin, Douglas County Board Supervisor

Telephone: (218) 390-0748

Email: adcorbin@earthlink.net



Wisconsin Association of Lakes

A nonprofit group of citizens, organizations, and businesses working for clean, safe, healthy lakes for everyone.

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April 13, 2009

Senator Mark Miller
Senate Environment Committee Chair
Room 317 East
State Capitol
P.O. Box 7882
Madison, WI 53707-7882

Dear Senator Miller and committee members:

The Wisconsin Association of Lakes is pleased that the legislature is considering SB 123. Aquatic invasive species (AIS) are a serious threat to the health of our lakes and concern to our members.

Many of our member Lake Districts and Lake Associations are spending a good portion of the annual operating budgets on suppressing existing AIS populations and preventing further introductions through educational programs, monitoring efforts, and volunteer watercraft inspection programs.

We are pleased that this bill offers some necessary technical changes to improve upon the "illegal to transport" language that was passed in the supplemental budget bill in May of 2008. Prohibiting the transport of "aquatic plants or animals" rather than "invasive species" is a significant and welcome change. These more general categories will enable law enforcement officials to make necessary traffic stops without needing to positively identify that attached materials are invasive species.

Likewise, expanding the prohibition against launching watercraft with aquatic plants or animals attached to include any vehicle, seaplane, watercraft, or other object of any kind eliminates an unnecessary loophole in the law. Removing the problematic intent clause in the current law—which prohibits launch of a boat if a person has "reason to believe" aquatic plants is attached—is also important. The intent clause ("reason to believe") has made enforcement of the current law difficult.

The expansion of the Department of Natural Resources authority is both necessary and reasonable in order for the state to respond to invasive species that are new to Wisconsin, or are an increasing threat to Wisconsin resources. This provision will compliment and enhance the forthcoming aquatic invasive species classification rules (NR 40).

Thank you for your work on this important issue.

Tamara Jackson
Wisconsin Association of Lakes, Director of Communications

Comments on Senate Bill 123 from Dr. Jake Vander Zanden
Associate Professor, Center for Limnology, University of Wisconsin – Madison

I'm here to offer my support for Bill 123. This bill will help the citizens of Wisconsin in our efforts to prevent future invasions. Preventing future spread is the single most effective and cost-effective strategy in addressing this problem.

I'm a native of the Fox River Valley, and a Professor at the Center for Limnology at UW-Madison. My research program focuses, in part, on the spread and impacts of AIS in Wisconsin. My research group has worked on numerous aquatic invasive species in Wisconsin. I have personally seen and studied how species such as Eurasian watermilfoil, spiny water flea, rusty crayfish, and zebra mussel have transformed the lakes and streams of WI.

For those systems that are already invaded, we'll have to live with these impacts forever. Our research finds that there are **many** ecosystems out there that are still vulnerable, in other words, they're perfect habitat, but they're not yet invaded. This is an opportunity to prevent their spread to these ecosystems, and avoid the impacts altogether, an attractive alternative to allowing them to invade, and dealing with the aftermath.

I also believe that the many efforts on the part of the DNR, WI Sea Grant, local partners, and citizens have made a major difference. Awareness of the issue is at an all time high. The rate of zebra mussel spread in WI has slowed down, and are lower than in neighboring states. The spiny water flea spread quickly in MI, MN, and ON, but have not gained traction in WI. This is really encouraging, and shows that prevention works.

This bill represents a major step forward in our efforts to stop the transport and introduction of invasive species, the key to limiting their spread. Banning transport of any aquatic animal or plant on watercraft is a common sense approach that will improve enforcement and effectiveness.

Furthermore, new and currently unknown invasive species are on the horizon. The listing process of NR 40 will miss some of the problematic invaders that are coming down the pipe. The ability to respond rapidly to new threats is key to success.

With invasives, an ounce of prevention is worth a TON of cure. This legislation moves us further towards a proactive and preventative strategy in the battle against invasives.

Wisconsin Towns Association

Richard J. Stadelman, Executive Director

W7686 County Road MMM

Shawano, Wis. 54166

Tel. (715) 526-3157

Fax (715) 524-3917

Email: wtowns1@frontiernet.net

To: Senate Committee on Environment

From: Richard J. Stadelman, Executive Director

Re: SB 123

Date of Memo: April 13, 2009

On behalf of the Wisconsin Towns Association I wish to express some concerns on the record about SB 123 relating to the Department of Natural Resources (DNR) authority to designate "noxious weeds" by administrative rule as provided on Section 16, Lines 20 through 25 of the bill. The reason our association is concerned is because current law under Sec. 66.0407 (3) of Wis. Statutes provides as follows:

3) A person owning, occupying or controlling land shall destroy all noxious weeds on the land. The person having immediate charge of any public lands shall destroy all noxious weeds on the lands. The highway patrolman on all federal, state or county trunk highways shall destroy all noxious weeds on that portion of the highway which that highway patrolman patrols. The town board is responsible for the destruction of all noxious weeds on the town highways.

First, Sec. 16 of SB 123 provides the DNR may designate by rule any weed by rule as a noxious weed. I have been assured that the designation of noxious weeds as defined in Sec. 66.0407 of Wis. Statutes is not be intended to be included in the DNR emergency rule authority as is provided under Sec. 1 of the bill at pages 3 to 5 for invasive species. I have been told that the DNR authority to declare additional noxious weeds must be established through the normal administrative rule process and not authorized under this bill by the expedited emergency exemption for invasive species. **I ask that the Senate Committee verify this with the agency and make this a specific finding of the legislative record.**

Second, I am still concerned that the expansion of DNR authority to designate additional noxious weeds could become a very burdensome unfounded mandate on local governments. As noted in Subsection 3 of the Sec. 66.0407 of Wis. Statutes, any person owning, occupying, or controlling land shall destroy all noxious weeds on the land, including public highway right of ways. Sec. 66.0517 (3) of Wis. Statutes provides that a weed commissioner appointed by the town, village, or city "*shall investigate the existence of noxious weeds in his or her district. If a person in a district neglects to destroy noxious weeds as required under Sec. 66.04017 (3) the weed commissioner shall destroy, or have destroyed, the noxious weeds in the most economical manner.*" If the DNR expands the list of designated noxious weeds in a very extensive manner local governments will have to bear an enormous burden to meet this mandate.

Third, our concern is based on the recent history of DNR in developing NR 40 invasive species rule. The draft listed 27 different prohibited terrestrial plants and 37 different restricted terrestrial plants (including the three current state law designated noxious weeds). If the noxious weed list is expanded to include as little as five to ten of the most commonly identified restricted terrestrial plants in the draft NR 40 rule, the cost of local government to destroy even this limited expansion of noxious weeds will be beyond local government capacity. **I would ask that the DNR be asked specifically on the record what types of noxious weeds the DNR may add to the noxious weed lists even if the expansion is done through the normal administrative rule process.**

For example, some of the most common restricted invasive species on the draft list of NR 40 include: purple loosestrife; wild parsnip; common buckthorn; multiflora rose; and garlic mustard to name just a few.

By giving the DNR authority to designate additional noxious weeds (albeit with normal administrative rule authority) recognition should be given by the state legislature and clear direction to the DNR to go slow with an expansion of the noxious weed list which would require the destruction of these additional noxious weeds on both public and private lands.

In summary our Association's concern is two-fold:

- (1) That specifically the DNR not be given emergency or expedited rule authority to designate noxious weeds as SB 123 gives the department to designate invasive weeds through such an expedited rule authority in Sec. 1 of the bill.
- (2) That the DNR be given clear direction to use the authority to designate additional noxious weeds "judiciously" to the current list of three noxious weeds designated by law, because an expanded list will cost local governments a substantial commitment in time and money to try to destroy some of the possible noxious weeds that could be listed, with limited probability of success in total eradication.

Thank you for your consideration in this matter. Please feel free to contact me if you have additional questions. We have registered for information only on this bill at this time.

Stolzenberg, John

From: Bier, Beth
Sent: Monday, April 13, 2009 4:48 PM
To: Bier, Beth
Subject: FW: SB 123

From: Amy Kelsey [mailto:amyk@co.polk.wi.us]
Sent: Thursday, April 09, 2009 1:31 PM
To: Sen. Miller
Subject: SB 123

Senator Miller,

I just wanted to provide my comments quickly on the Illegal to Transport and Launch bill. Polk County is in favor of this bill; we passed our own ordinance in March 2008. This rule is simply asking folks to clean their boat and equipment before entering water and after being in water.

Clean Boats Clean Water surveys conducted by Wisconsin volunteers have documented that approximately 90% of water users are cleaning their boat and equipment. This Illegal to Transport and Launch bill is, therefore, for the 10% of users who are not removing plants and animals and putting us all (anglers, swimmers, boaters, hunters) at risk of new introductions.

Thank you for bringing SB 123 to a public hearing. I look forward to seeing it pass.

Amy Kelsey
Polk County Land and Water Resources Dept
100 Polk County Plaza, Suite 120
Balsam Lake, WI 54810
715-485-8637
amyk@co.polk.wi.us

"We face the question whether a still higher standard of living is worth its costs in things natural, wild, and free." ~Aldo Leopold

04/13/2009

Stolzenberg, John

From: Bier, Beth
Sent: Monday, April 13, 2009 4:47 PM
To: Bier, Beth
Subject: FW: SB 123

From: carl sundberg [mailto:cjsund@yahoo.com]
Sent: Sunday, April 12, 2009 11:31 AM
To: Sen.Miller
Subject: SB 123

Dear Sen. Miller,
I Support SB 123 for making it easier to stop the spread of invasives in our Wisconsin waters. We have had an active Clean Boats/Clean Waters program on lakes for the last 3 years inspecting over 400 boats. This bill would help stop some of those that would launch and claim ignorance of the type of weeds on their boats and trailers.

Thank you.

Sincerely,

Carl Sundberg

President of Spread Eagle Chain of Lakes (SECOLA)

4993 Dunn's Point Rd

Florence, WI. 54121

04/13/2009



Washburn County Lakes and Rivers Association, Inc.
A Public Benefit Corporation

www.wclra.org

850 W. Beaverbrook Avenue, Suite 1
Spooner, WI 54801
April 13, 2009

Senator Mark Miller, Chair
Committee on Environment
State Capitol, Room 317 East
P.O. Box 7882
Madison, Wisconsin 53707-7882

Dear Senator Miller:

I am speaking for the directors and the more than 2000 members of the Washburn County Lakes and Rivers Association (WCLRA) in voicing strong support for SB 123. Your bill addresses some major concerns that have made the current law virtually unenforceable.

You have removed the "has reason to believe" language which was an "easy out" for violators. In addition, your bill prohibits transporting aquatic plants in general and not just aquatic invasive species. Most enforcement personnel would not have been able to identify aquatic invasive species. This also complicated enforcement efforts.

The WCLRA thanks you for your efforts on this bill. We feel that this bill, if enacted, will set clear policy and give enforcement personnel the tools they need to help us in preserving our still healthy lakes and rivers for ourselves and for future generations.

With best regards,

Fred Blake
Director and Past President
Co-Chair, Government/Environment Committee

Washburn County Lakes and Rivers Association, Inc.



Wisconsin Commercial Fisheries Association

Charles W. Henriksen, President

11214 N. Sand Bay Lane
Sister Bay, WI 54234

920-421-1640 or
chenriksen@wwildblue.net

To: Senate Committee on Environment

4/14/09

From: Charles W. Henriksen
President-Wisconsin Commercial Fisheries Association
Member-Lake Michigan Commercial Fishing Board
Member-Governor's Council on Invasive Species

re: Invasive Species Bill

Thank you very much for advancing this very important bill. As a member of the Governor's Council I have first hand knowledge of how incredibly complex this issue is and the nearly impossible task of stopping the introduction and continuing spread of invasive species. I would also like to take this opportunity to complement the DNR staff who have worked diligently to create the companion rules that will be presented to The Natural Resources Board next week.

As an advocate for commercial fishing I need to tell you how terribly destructive many of these invasives have been to our industry. From the carpet of mussels that have blanketed the entire lake and disrupted the foodchain to VHS disease we are witnessing an environmental disaster. It's impossible to know what the longterm effects will be from what's already occurred and how the Lake will continue to change. We are right now realizing adverse affects from some of the original invaders from over 50 years ago. Lamprey eels are continually a problem and now we have learned that alewives are the culprit in the loss of our native Lake Trout. What the future may hold boggles the mind.

Thank You for your efforts. As an eternal optimist I hope its not too little and too late.

Stolzenberg, John

From: Kuhn, Jamie
Sent: Tuesday, April 14, 2009 8:09 PM
To: Bier, Beth
Subject: FW: Registering in support of SB 123

Jamie S. Kuhn

*Office of Senator Mark Miller
State Capitol
Room 317 East
PO Box 7882
Madison, WI 53707
Phone 608-266-9170
Fax 608-266-5087*

From: Lake Ripley Management District [mailto:ripley@charterinternet.com]
Sent: Tuesday, April 14, 2009 8:07 AM
To: Sen. Miller
Subject: Registering in support of SB 123

Dear Senator Miller and Senate Environment Committee Members:

I am writing on behalf of the Lake Ripley Management District Board and the nearly 2,000 property owners it represents to express our strong support for SB 123. This bill is desperately needed to help stem the tide of aquatic invasive species that continue to infest Wisconsin's lakes and streams. These invasive species are wreaking havoc on fragile ecosystems, impairing recreational use of our waterways, harming property values and local tourism, and costing us huge sums of money to manage their impacts. Without this measure, we would remain nearly powerless to control the primary mechanism of invasive species introductions -- recreational boat traffic.

Through this bill, Wisconsin would be taking a significant step forward in slowing and perhaps (in some cases) halting the spread of these non-native and often harmful organisms that plague our waterways. Because SB 123 provides a sensible and effective means of protecting our lakes while reducing management costs, the Lake Ripley Management District favors immediate passage of this important legislation.

Sincerely,

Paul D. Dearlove, Lake Manager
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www.lakeripley.org

04/15/2009



RIVER ALLIANCE of Wisconsin

April 14, 2009

Senator Mark Miller, Chair
Senate Environment Committee
Room 317 East, State Capitol
Madison, WI 53702

Dear Sen. Miller:

The River Alliance of Wisconsin supports the proposed SB123 which will improve the regulation of aquatic invasive species helping to protect Wisconsin's valuable riverine, wetland and lake ecosystems. Invasive species are quickly spreading from the Great Lakes to our inland lakes and rivers predominately on recreational equipment. These invasive species threaten the biodiversity of our natural systems, as well as the recreational value of our inland waters.

The current law prohibiting invasive species from being transported on a highway is difficult to enforce due to the difficulty of properly distinguishing invasives from native species from a distance, much less close up. In addition, invasive species can hide among native species on recreational equipment, especially if a boat leaves the water with a tangle of intertwined plants, or the invasive (for example, a zebra mussel) attaches itself to a native plant. This bill prohibiting all aquatic plants or animals on a vehicle of any kind on a public highway will enable enforcement officials to confidently prevent the movement of invasives.

The River Alliance of Wisconsin also strongly supports prohibiting the launch of watercraft with any aquatic plants or animals attached enabling law enforcement officials to require persons to remove all attached aquatic plants or animals before any vehicle or object is launched, and/or require removal of any launched object from the water.

Finally, enabling the Department of Natural Resources to promulgate emergency rules to identify, classify, or control an invasive species without providing evidence of an emergency enables the Department to immediately respond to new threats while assessing the severity of the threat, or incorporating the additional species into the permanent Invasive Species Classification rule (forthcoming NR 40).

Thank you for your consideration on this important issue.

Sincerely,

Laura MacFarland
Aquatic Invasive Species
Program Coordinator

Everyone deserves healthy rivers

**LITTLE ST. GERMAIN LAKE PROTECTION
AND REHABILITATION DISTRICT
SAINT GERMAIN, WI**

Elected Commissioners

Ted Ritter, Chairman
Erv Stiemke, Treasurer
Lou Mirek, Secretary

Appointed Commissioners

Todd Wiese, Town of Saint Germain
Mary Platner, County of Vilas

<http://littlesaint.org>

Senator Mark Miller
Senate Environment Committee Chair

April 9, 2009

Dear Senator Miller:

I am generally in favor of the provisions of SB123. However, I believe it could be improved upon in the following manner:

1. The bill includes reference to chapter 340(22) for definition of "highway" which excludes publicly owned boat launch sites and associated parking areas. The "illegal to transport" provision of this bill would be enforceable only after a vehicle departs from a boat launch site and begins travelling on a public roadway. Enabling law enforcement to issue citations before vehicles actually depart boat launch sites rather than pursuing them after departing would provide more effective and more efficient enforcement.
2. It is my understanding that WI Statutes, Chapter 346, provides law enforcement with citation authority for violation of "Rules of the Road". Does this chapter need to be revised simultaneous to adopting SB123 to achieve optimal enforcement authority?

Thank you for considering my comments.



Ted Ritter, Chairman
Board of Commissioners
Little St. Germain Lake P&R District
Vilas County, WI

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